



TOWN OF HOPEDALE  
ZONING BOARD OF APPEALS  
TOWN HALL  
78 HOPEDALE STREET  
HOPEDALE, MA 01747

Christopher P. Hodgens, Chairman  
Nicholas A. Alexander, Member  
Sandra E. Biagetti, Member  
Louis J. Costanza, Member  
Scott M. Savage, Member  
Mary T. Arcudi, Alternate

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**Hopedale Zoning Board of Appeals  
Rules of Procedure**

1. Purpose  
These rules are adopted pursuant to G.L. c. 40A, §§ 9, 12, and 15. The purpose of these rules is to enable the Hopedale Zoning Board of Appeals (ZBA) to hear and determine cases in a fair and expeditious manner while giving all persons an opportunity to be heard.
2. Scope  
These rules shall apply to all petitions, applications, and appeals within the jurisdiction of the ZBA. References in the rules to the word "applications" include petitions, applications, and appeals.
3. Filing  
An application for a variance, special permit, or comprehensive permit must be filed with the Town Clerk.
4. Fees  
The applicant must pay a filing and processing fee of \$400 payable in two checks (\$375 for application and \$25 for abutters list) payable to the Town of Hopedale.
5. Form of Application  
The application shall be made on a form established by the ZBA and must include a certified list of abutters (see Rule 7) and all supporting documents (see Rule 8).
6. Copies  
The applicant must submit 1 original and 7 copies of the application and all supporting documents, including detailed floor plans, plans, maps, photographs, correspondence, or other materials. When appealing the denial of a building permit, the notice of appeal must be filed with the Town Clerk, the Building Commissioner, and the ZBA.
7. List of Abutters  
The application must include a certified list of abutters and their addresses. This list must include the names and addresses of the applicant, owners of the subject property, abutters, owners of land directly opposite the subject

property, and abutters to abutters within 300 feet of the subject property line. Certification of the list must be obtained from the Tax Assessor. Applicants should allow two weeks for the certification of the list. Once certification is obtained, the certified list must be submitted to the Town Clerk along with the application for zoning relief.

8. Burden of Proof

The applicant bears the burden of proof. To help meet this burden, the applicant must provide legible documentation to the ZBA that shows all existing and proposed structures, interior dimensions, driveways, parking areas, easements, streets, signage, lighting, and dimensions for the entire lot including lot area, lot lines, and setbacks.

9. Requested Relief

The application must state with specificity the relief sought and the applicable provisions of the Hopedale Zoning By-Laws.

10. Incomplete Application

The ZBA may deny relief based solely on the fact that the applicant has failed to complete the application as directed by these rules and the approved form. Because of the legal implications that flow from a request for zoning relief, the ZBA recommends that applicants consult with an attorney before filing an application, review the ZBA website, and contact the Building Commissioner.

11. Deadline for Submissions

Unless specifically approved by the ZBA with an opportunity for opposing parties to respond, the ZBA will not consider submissions that are made after the evidence has been closed at a public hearing.

12. Site Visit

ZBA members may, at their discretion, visit a site that is the subject of an application. Simultaneous site visits by ZBA members will not include any deliberations and are not subject to the provisions of the Massachusetts Open Meeting Law.

13. Outside Consultants

Pursuant to G.L. c. 44, § 53G, the ZBA may require the applicant to pay the costs of hiring outside consultants.

14. Truthfulness

Assertions of fact in any application or at any hearing must be truthful. The ZBA is expressly authorized to "administer oaths, summon witnesses, and call for the production of papers" during any of its proceedings. G.L. c. 40A, § 15.

15. Ex Parte Communication

The applicant and other interested persons are entitled to know the facts and other material relied upon by the ZBA in making its decision. Therefore, material communications with ZBA members outside of a public meeting will be disclosed on the record at a public meeting to enable interested persons to respond.

16. Effective Date

These Rules take effect November 15, 2021.

The ZBA has adopted these Rules of Procedure this 15th day of November 2021, and has filed the same with the Town Clerk.

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